

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

Case No. MD-06-0258A

4 **DAVID A. RATH, M.D.**

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

5 Holder of License No. **17545**
6 For the Practice of Allopathic Medicine
 In the State of Arizona.

7 **INTERIM CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board ("Board") and
9 David A. Rath, M.D., ("Respondent") the parties agree to the following disposition of this matter.

10 1. Respondent has read and understands this Interim Consent Agreement and the
11 stipulated Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement").
12 Respondent acknowledges that he understands he has the right to consult with legal counsel
13 regarding this matter.

14 2. By entering into this Interim Consent Agreement, Respondent voluntarily
15 relinquishes any rights to a hearing or judicial review in state or federal court on the matters
16 alleged, or to challenge this Interim Consent Agreement in its entirety as issued by the Board,
17 and waives any other cause of action related thereto or arising from said Interim Consent
18 Agreement.

19 3. This Interim Consent Agreement will not become effective until signed by the
20 Executive Director.


21 4. All admissions made by Respondent are solely for interim disposition of this matter
22 and any subsequent related administrative proceedings or civil litigation involving the Board and
23 Respondent. Therefore, said admissions by Respondent are not intended or made for any
24 other use, such as in the context of another state or federal government regulatory agency
25

1 proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or
2 federal court.

3 5. Respondent may not make any modifications to the document. Upon signing this
4 agreement, and returning this document (or a copy thereof) to the Executive Director,
5 Respondent may not revoke acceptance of the Interim Consent Agreement. Any modifications
6 to this Interim Consent Agreement are ineffective and void unless mutually approved by the
7 parties.

8 6. This Interim Consent Agreement, once approved and signed, is a public record that
9 will be publicly disseminated as a formal action of the Board and will be reported to the National
10 Practitioner Databank and on the Board's website.

11 7. If any part of the Interim Consent Agreement is later declared void or otherwise
12 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in
13 force and effect.

14 
15 DAVID A. RATH, M.D.

Dated: APRIL 18, '06

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of the
3 practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of License No. 17545 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. On March 30, 2006, the Arizona Medical Board received notification from the
7 Prosecuting Attorney of Delaware County, Ohio that on October 17, 2005 Respondent entered a
8 plea of guilty to felony theft of drugs in the Court of Common Pleas for Delaware County,
9 Delaware, Ohio. Respondent admitted taking a vial of morphine tablets for his personal use in
10 July 2005 while acting in his capacity as the Delaware County Coroner stating that he had
11 become addicted to opiates. In addition, effective September 15, 2005 the State Medical Board
12 of Ohio ("Ohio Board") summarily suspended Respondent's license to practice medicine
13 pending a formal hearing.

14 4. On April 12, 2006 the Ohio Board indefinitely suspended Respondent's license
15 until he successfully completes inpatient treatment and aftercare monitoring as specified by the
16 Ohio Board. Respondent entered treatment, but left the treatment facility without completing
17 treatment.

18 5. Based on the information in the Board's possession there is evidence that if
19 Respondent were to practice medicine in Arizona there would be a danger to the public health
20 and safety.

21 **CONCLUSIONS OF LAW**

22 1. The Board possesses jurisdiction over the subject matter hereof and over
23 Respondent.
24
25

2. The Executive Director may enter into a consent agreement with a physician if there is evidence of danger to the public health and safety. A.R.S. § 32-1405(C)(25); A.A.C. R4-16-404.

ORDER

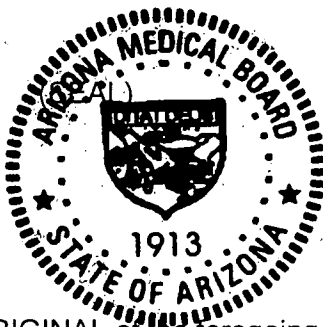
IT IS HEREBY ORDERED THAT:

1. Respondent shall not practice clinical or administrative medicine, and is prohibited from prescribing any form of treatment including prescription medications, until Respondent applies to the Board and receives permission to do so. The Board may require any combination of examinations to determine Respondent's ability to resume the practice of medicine.

2. This is an interim order and not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board.

DATED AND EFFECTIVE this 18th day of April, 2006.

ARIZONA MEDICAL BOARD



By Aminda Bell
for TIMOTHY C. MILLER, J.D.
Executive Director

ORIGINAL of the foregoing filed this 18th day of April, 2006 with:

The Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed by
US Certified Mail this 18th day of April,
2006 to:

David A Rath, M.D.
Address of record

David A Rath, M.D.